



**A RESOLUTION
BY COUNCILMEMBER**

Hand Shook
**CITY COUNCIL
ATLANTA, GEORGIA**

05-R -1098

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN ENCROACHMENT AGREEMENT WITH GEORGIA PUBLIC WEB, ON BEHALF OF THE UNIVERSITY SYSTEM OF GEORGIA BOARD OF REGENTS, FOR THE INSTALLATION OF PRIVATE UTILITY FACILITIES ORIGINATING AT THE INTERSECTION OF BREWER BOULEVARD, SW AND LISBON DRIVE, SW AND EXTENDS ALONG THE EAST SIDE OF LISBON DRIVE TO THE INTERSECTION OF LISBON AND CAPLAN STREET, SW, CONTINUING ALONG THE SOUTH SIDE OF CAPLAN STREET UNTIL IT INTERSECTS WITH METROPOLITAN PARKWAY AND EXTENDS TO ATLANTA METROPOLITAN COLLEGE; AND FOR OTHER PURPOSES.

WHEREAS, Georgia Public Web, and the Georgia Board of Regents are currently developing for the benefit of and use of Georgia Boards of Regents, a fiber optic network to connect all schools that are a part of the Georgia Public Web system; and

WHEREAS, in order to link the network together the Georgia Public Web must lay fiber optic cable in the City's right of way; and

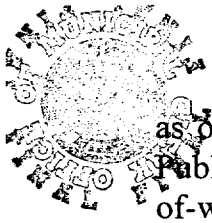
WHEREAS, Georgia Public Web has approached the City seeking an Encroachment Agreement allowing the installation of the Encroachments originating at the intersection of Brewer Boulevard, SW and Lisbon Drive, SW and extends along the east side of Lisbon Drive to the intersection of Lisbon and Caplan Street, SW. The route proceeds along the south side of Caplan Street until it intersects with Metropolitan Parkway. The route cross Metropolitan Parkway at this location and extends to Atlanta Metropolitan College; and

WHEREAS, the Telecommunications Act of 1996 requires that local governments not unreasonably discriminate among telecommunications providers; and

WHEREAS, the plans for the installation of the Encroachments under the aforementioned streets have been reviewed and determined that the plans meet the appropriate technical requirements and believe it to be desirable and in the best interests of the City to authorize the City to execute an Encroachment Agreement allowing the installation of the Encroachments;

**THE COUNCIL OF THE CITY OF THE CITY OF ATLANTA, GEORGIA
HEREBY ORDAINS AS FOLLOWS:**

SECTION 1: The Mayor is authorized to enter into an Encroachment Agreement,



as outlined in Section 138, Article II, of the City's Code of Ordinances, with Georgia Public Web, or its designee(s), for the installation of the Encroachments under the right-of-way on Metropolitan Parkway, in a form and pursuant to conditions determined to be desirable, appropriate and in the best interests of the City for this transaction.

SECTION 2: That the City Attorney is directed to prepare an Encroachment Agreement in accordance with Section 138, Article II, of the City's Code of Ordinances.

SECTION 3: That the Encroachment Agreement will not become binding upon the City and the City will incur no liability under it until it has been executed by the Mayor, attested to by the Municipal Clerk and delivered to the appropriate parties.

A true copy,

Shanda Daughlin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

June 20, 2005
June 23, 2005

RCS# 6751
6/20/05
3:36 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PG(S) 4-21 05-R-1086 05-R-1084
05-O-0972 05-R-1093 05-O-0906 05-R-0905
ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 2

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	B Shook	B Maddox	Y Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

CONSENT I

		6/20/05
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 05-O-1075	31. 05-R-1069	55. 05-R-1023
2. 05-O-1076	32. 05-R-1072	56. 05-R-1024
3. 05-O-1078	33. 05-R-0903	57. 05-R-1025
4. 05-O-1101	34. 05-R-1062	58. 05-R-1026
5. 05-O-1102	35. 05-R-1063	59. 05-R-1027
6. 05-O-1103	36. 05-R-1064	60. 05-R-1028
7. 05-O-1089	37. 05-R-1054	61. 05-R-1029
8. 05-O-1099	38. 05-R-1055	62. 05-R-1030
9. 05-O-0904	39. 05-R-1056	63. 05-R-1031
10. 05-O-0910	40. 05-R-1057	64. 05-R-1032
11. 05-O-0911	41. 05-R-1073	65. 05-R-1033
12. 05-O-0912	42. 05-R-1074	66. 05-R-1034
13. 05-O-0916	43. 05-R-1108	67. 05-R-1035
14. 05-O-0968	44. 05-R-1116	68. 05-R-1036
15. 05-O-0976	45. 05-R-1117	69. 05-R-1037
16. 05-O-1080	46. 05-R-0819	70. 05-R-1038
17. 05-O-0981	47. 05-R-1043	71. 05-R-1039
18. 05-O-0982	48. 05-R-1044	72. 05-R-1040
19. 05-O-1085	49. 05-R-1047	73. 05-R-1041
20. 05-O-1104	50. 05-R-1049	74. 05-R-1042
21. 05-O-1105	51. 05-R-1019	
22. 05-O-1106	52. 05-R-1020	
23. 05-O-0960	53. 05-R-1021	
24. 05-O-0961	54. 05-R-1022	
25. 05-R-1060		
26. 05-R-1061		
27. 05-R-1077		
28. 05-R-1098		
29. 05-R-1067		
30. 05-R-1068		

#20
05-R-1098
(Do Not Write Above This Line)

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STREET UNTIL IT INTERSECTS WITH
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EXTENDS TO ATLANTA
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OTHER PURPOSES.

ADOPTED BY

JUN 20 2005

COUNCIL

- ☐ CONSENT REFER
- ☐ REGULAR REPORT REFER
- ☐ ADVERTISE & REFER
- ☐ 1st ADOPT 2nd READ & REFER
- ☒ PERSONAL PAPER REFER

Date Referred 6/6/05
Referred To: City Utilities
Date Referred
Referred To:
Date Referred
Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred To _____

Committee City Utilities
Date June 14 2005
Chair Hand Chair
Action
Fav, Adv, Hold (see rev. side)
Other
Members
[Signature]
[Signature]
[Signature]
Refer To

Committee _____
Date _____
Chair _____
Action
Fav, Adv, Hold (see rev. side)
Other
Members
Refer To

Committee _____
Date _____
Chair _____
Action
Fav, Adv, Hold (see rev. side)
Other
Members
Refer To

Committee _____
Date _____
Chair _____
Action
Fav, Adv, Hold (see rev. side)
Other
Members
Refer To

FINAL COUNCIL ACTION

- ☐ 2nd
- ☐ 1st & 2nd
- ☐ 3rd
- ☒ Consent
- ☐ V Vote
- ☒ RC Vote

CERTIFIED

JUN 20 2005

[Signature]
Mayor

MAYOR'S ACTION

[Signature]